



FEDERAL REGISTER

VOLUME 5

1934

NUMBER 143

Washington, Wednesday, July 24, 1940

The President

EXECUTIVE ORDER

**AUTHORIZING THE INSPECTION BY CERTAIN
OFFICIALS OF THE DISTRICT OF COLUM-
BIA, ALASKA, HAWAII, THE PHILIPPINE
ISLANDS, AND PUERTO RICO OF CERTAIN
RETURNS MADE UNDER THE INTERNAL
REVENUE CODE AND OF INCOME, EXCESS
PROFITS, AND CAPITAL STOCK TAX RE-
TURNS FILED UNDER THE REVENUE ACT
OF 1938 OR PRIOR REVENUE ACTS, ESTATE
AND GIFT TAX RETURNS FILED AFTER
JUNE 16, 1933, AND RETURNS UNDER
TITLE IX OF THE SOCIAL SECURITY ACT**

By virtue of the authority vested in me by section 55 (a) of the Internal Revenue Code (53 Stat. 29), section 257 (a) of the Revenue Act of 1926 (44 Stat. 9, 51), section 55 of the Revenue Act of 1928 (45 Stat. 791, 809), section 55 of the Revenue Act of 1932 (47 Stat. 169, 189), as amended by section 218 (h) of the National Industrial Recovery Act (48 Stat. 195, 209), sections 215 (e) and 216 (b) of the National Industrial Recovery Act (48 Stat. 195, 208), sections 55 (a), 701 (e), and 702 (b) of the Revenue Act of 1934 (48 Stat. 680, 698, 770), sections 105 (e) and 106 (c) of the Revenue Act of 1935 (49 Stat. 1014, 1018, 1019), section 905 of the Social Security Act (49 Stat. 620, 641), sections 55 (a), 351 (c), and 503 (a) of the Revenue Act of 1936 (49 Stat. 1648, 1671, 1733, 1738), and sections 55 (a), 409, 601 (e), and 602 (c) of the Revenue Act of 1938 (52 Stat. 447, 564, 565, 567), it is hereby ordered that the following-designated returns shall be open to inspection by any official, body, or commission lawfully charged with the administration of any tax law of the District of Columbia, Alaska, Hawaii, the Philippine Islands, or Puerto Rico in ac-

cordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury decision relating to the inspection of such returns approved by me on August 28, 1939,¹ and the amendment thereto approved by me this date,² and the rules and regulations prescribed by the Secretary of the Treasury in the Treasury decision relating to inspection of returns under revenue acts prior to the Internal Revenue Code approved by me on November 12, 1938, and the amendment thereto approved by me this date:

(1) Income (including income of personal holding companies and unjust enrichment income), excess-profits, capital stock, estate, and gift tax returns under the Internal Revenue Code and returns of employment tax on employers under Subchapter C of Chapter 9 of such Code.

(2) (a) Income, excess-profits, and capital stock tax returns made under the Revenue Act of 1938, the Revenue Act of 1936, the Revenue Act of 1935, the Revenue Act of 1934, the National Industrial Recovery Act, the Revenue Act of 1932, the Revenue Act of 1932 as amended by the National Industrial Recovery Act, and under the prior Revenue Acts, (b) estate and gift tax returns made under the Revenue Act of 1932 or the Revenue Act of 1932 as amended, and filed after June 16, 1933, (c) returns made under Title IX of the Social Security Act, and (d) returns made under any of such Acts as amended.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 20, 1940.
[No. 2400]

[F. R. Doc. 40-3043; Filed, July 22, 1940;
2:46 p. m.]

14 F.R. 3778.

² See Title 26.

CONTENTS

THE PRESIDENT

Executive Order:	Page
Income, etc., tax return inspection by certain officials of District of Columbia, Alaska, Hawaii, the Philippine Islands, and Puerto Rico	2645
RULES, REGULATIONS, ORDERS	
TITLE 26—INTERNAL REVENUE:	
Bureau of Internal Revenue:	
Income, etc., tax return inspection by certain officials of District of Columbia, etc	2646
Taxes on gasoline, lubricating oil and matches	2647
TITLE 29—LABOR:	
Wage and Hour Division:	
Area of production defined	2647
TITLE 33—NAVIGATION AND NAVIGABLE WATERS:	
Corps of Engineers, War Department:	
Danger zone regulations, Fort Taylor Military Reservation, Key West, Fla.	2648
TITLE 44—PUBLIC PROPERTY AND WORKS:	
Public Works Administration:	
Certification of vouchers	2648
NOTICES	
Department of Agriculture:	
Farm Security Administration:	
Tenant purchase loans, designation of county in Region XII	2649
Rural Electrification Administration:	
Allocation of funds for loans (2 notices)	2649
(Continued on next page)	



Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

CONTENTS—Continued

Department of Commerce:	
Bureau of Marine Inspection and Navigation:	
Executive Committee meeting of the Board of Supervising Inspectors -----	2649
Department of Labor:	
Wage and Hour Division:	
Handling, etc., of perishable or seasonal fresh fruits or vegetables; review of determination -----	2649
Federal Trade Commission:	
American Medicinal Products, Inc., et al., order appointing examiner, etc -----	2650
Securities and Exchange Commission:	
American Utilities Service Corp., hearing -----	2650

Rules, Regulations, Orders

TITLE 26—INTERNAL REVENUE CHAPTER I—BUREAU OF INTERNAL REVENUE [T. D. 4991]

INSPECTION OF RETURNS

RELATING TO THE INSPECTION OF CERTAIN RETURNS MADE UNDER THE INTERNAL REVENUE CODE, AND ARTICLE 3, PART III, OF TREASURY DECISION 4873, RELATING TO THE INSPECTION OF CERTAIN RETURNS MADE PURSUANT TO THE REQUIREMENTS OF THE REVENUE ACT OF 1938 AND PRIOR REVENUE ACTS, SO AS TO PROVIDE A DIFFERENT METHOD FOR SUCH INSPECTION BY THE DISTRICT OF COLUMBIA, ALASKA, HAWAII, THE PHILIPPINE ISLANDS, AND PUERTO RICO

1. Section 463C.33 of Treasury Decision 4929¹ [Part 4630, Title 26, Code of

Federal Regulations, 1939 Sup.] is amended by striking out "§ 463C.33" and inserting in lieu thereof "§ 463C.33 (a)" and adding at the end of the section the following:

"(b) *Inspection by District of Columbia, Alaska, Hawaii, the Philippine Islands, and Puerto Rico.* Any official, body, or commission, lawfully charged with the administration of any tax law of the District of Columbia, Alaska, Hawaii, the Philippine Islands, or Puerto Rico, or any representative or representatives of such official, body, or commission, may, in the discretion of the Commissioner of Internal Revenue, be permitted to inspect original income returns, for any taxable year ending on or after July 31, 1939, for the purpose of such administration.

"Requests for permission to inspect original returns shall be in writing signed by the executive head of the government on whose behalf the inspection is to be made and shall be addressed to the Commissioner of Internal Revenue, Records Division, Washington, D. C. The request shall state (a) the kind of returns it is desired to inspect, (b) the taxable year or years covered by the returns it is desired to inspect, (c) the name of the official, body, or commission, by whom or which the inspection is to be made, (d) the name of the representative of such official, body, or commission, designated to make the inspection, (e) by specific reference, the tax law which such official, body, or commission, is charged with administering and the law under which he, she, or it is so charged, and (f) the purpose for which the inspection is to be made.

"Within a reasonable time after the returns are filed the copies thereof (including photostats and photographs), under such procedure as may be prescribed by the Commissioner, shall be made available for inspection in the office of the collector of internal revenue in which the returns are filed, by any official, body, or commission, lawfully charged with the administration of any tax law of the District of Columbia, Alaska, Hawaii, the Philippine Islands, or Puerto Rico, or by the properly designated representatives of such official, body, or commission, for the purpose of such administration. The respective heads of the above-designated governments shall be notified by the Commissioner of the date the copies of the returns are available for inspection and inspection thereof shall not be permitted after one year from such date. Requests for inspection of copies of returns shall conform with the requirements relating to requests for permission to inspect original returns as prescribed by this subsection."

2. Article 3, Part III, of Treasury Decision 4873² [§ 458.33, Subpart A, of

Title 26, Code of Federal Regulations, 1938 Sup.] is amended by striking out "Art. 3." and inserting in lieu thereof "Art. 3. (a)" and adding at the end of the article the following:

"(b) *Inspection by District of Columbia, Alaska, Hawaii, the Philippine Islands, and Puerto Rico.* Any official, body, or commission, lawfully charged with the administration of any tax law of the District of Columbia, Alaska, Hawaii, the Philippine Islands, or Puerto Rico, or any representative or representatives of such official, body, or commission, may, in the discretion of the Commissioner of Internal Revenue, be permitted to inspect original income returns, for any taxable year, for the purpose of such administration.

"Requests for permission to inspect original returns shall be in writing signed by the executive head of the government on whose behalf the inspection is to be made and shall be addressed to the Commissioner of Internal Revenue, Records Division, Washington, D. C. The request shall state (a) the kind of returns it is desired to inspect, (b) the taxable year or years covered by the returns it is desired to inspect, (c) the name of the official, body, or commission, by whom or which the inspection is to be made, (d) the name of the representative of such official, body, or commission, designated to make the inspection, (e) by specific reference, the tax law which such official, body, or commission, is charged with administering and the law under which he, she, or it is so charged, and (f) the purpose for which the inspection is to be made."

(Part 1 of this Treasury decision is prescribed pursuant to secs. 55 (a), 508, 603, 702 (a), 1204, and 1604 (c) of the Internal Revenue Code (53 Stat. 29, 111, 111, 116, 171, 186).

(Part 2 of this Treasury decision is prescribed pursuant to sec. 257 (a), 44 Stat. 51; sec. 55, 45 Stat. 809; sec. 55, 47 Stat. 189, as amended by sec. 218 (h), 48 Stat. 209, 26 U.S.C. 55; sec. 215 (e) and 216 (b), 48 Stat. 207, 208; secs. 55 (a), 701 (e), and 702 (b), 48 Stat. 698, 769, 770, 26 U.S.C. 55, 1358, 341; secs. 105 (e) and 106 (c), 49 Stat. 1017, 1019, 26 U.S.C. 1358a, 342; sec. 905, 49 Stat. 641, 42 U.S.C. 1105; secs. 55 (a), 351 (c), and 503 (a), 49 Stat. 1671, 1733, 1738, 26 U.S.C., Sup. IV, 55, 331, 345b; secs. 55 (a), 409, 601 (e), and 602 (c), 52 Stat. 478, 564, 565, 567, 26 U.S.C., Sup. IV, 55 (a), 337a, 1358 (e), 341 (c).)

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved:

FRANKLIN D ROOSEVELT

The White House.

[F. R. Doc. 40-3044; Filed, July 22, 1940;
2:46 p. m.]

[T. D. 4990]

PART 314—TAXES ON GASOLINE, LUBRICATING OILS AND MATCHES

In order to conform Regulations 44¹ (Part 314, Title 26, Code of Federal Regulations, 1939 Sup.), relating to taxes on gasoline, lubricating oils, and matches under the Internal Revenue Code, to sections 209 and 210 of the Revenue Act of 1940 (Public No. 656, Seventy-sixth Congress, Third Session), such regulations are amended as follows:

The following is inserted immediately preceding § 314.2:

SEC. 209. CONTINUATION OF EXCISE TAXES. (REVENUE ACT OF 1940.)

Sections * * * 3452 * * * of the Internal Revenue Code are amended by striking out "1941" wherever appearing therein and inserting in lieu thereof "1945".

Paragraph 2 of § 314.2 is amended to read as follows:

The tax is imposed upon any sale or use prior to July 1, 1945, of gasoline, lubricating oils, or matches by the manufacturer or other person liable for tax under the provisions of section 3445 of the Internal Revenue Code irrespective of when the article was manufactured, produced, or imported.*†

The following is inserted immediately preceding § 314.3:

SEC. 210. MISCELLANEOUS EXCISES. (REVENUE ACT OF 1940.)

The Internal Revenue Code is amended by inserting at the end of chapter 9 the following new chapter:

CHAPTER 9A—DEFENSE TAX FOR FIVE YEARS

SEC. 1650. DEFENSE TAX FOR FIVE YEARS.

(b) In the application of section 3441 (c) to the articles with respect to which the rate of tax is increased by this section, where the lease, contract of sale, or conditional sale, and delivery thereunder, was made before July 1, 1940, the total tax referred to in such section shall be the tax at the rate in force on June 30, 1940, and not at the increased rate.

Section 314.4 is amended by inserting between the first and second sentences of paragraph 5 thereof a new sentence to read as follows:

Where the lease, contract of sale, or conditional sale, and delivery thereunder, was made prior to July 1, 1940, the tax is due at the rate in force on June 30, 1940, and not at the increased rate.

The following is inserted immediately preceding § 314.30:

SEC. 210. MISCELLANEOUS EXCISES. (REVENUE ACT OF 1940.)

The Internal Revenue Code is amended by inserting at the end of chapter 9 the following new chapter:

CHAPTER 9A—DEFENSE TAX FOR FIVE YEARS

SEC. 1650. DEFENSE TAX FOR FIVE YEARS.

(a) In lieu of the rates of tax specified in such of the sections of this title as are set forth in the following table, the rates applicable with respect to the period after June 30, 1940, and before July 1, 1945, shall be the

rates set forth under the heading "Defense-Tax Rate":

Section	Description of tax	Old rate	Defense-tax rate
3412	Gasoline	1 cent	1½ cents

* * * * *

The following is inserted immediately preceding § 314.40:

SEC. 210. MISCELLANEOUS EXCISES. (REVENUE ACT OF 1940.)

The Internal Revenue Code is amended by inserting at the end of chapter 9 the following new chapter:

CHAPTER 9A—DEFENSE TAX FOR FIVE YEARS

SEC. 1650. DEFENSE TAX FOR FIVE YEARS.

(a) In lieu of the rates of tax specified in such of the sections of this title as are set forth in the following table, the rates applicable with respect to the period after June 30, 1940, and before July 1, 1945, shall be the rates set forth under the heading "Defense-Tax Rate":

Section	Description of tax	Old rate	Defense-tax rate
3413	Lubricating oils	4 cents	4½ cents

* * * * *

The following is inserted immediately preceding § 314.50:

SEC. 210. MISCELLANEOUS EXCISES. (REVENUE ACT OF 1940.)

The Internal Revenue Code is amended by inserting at the end of chapter 9 the following new chapter:

CHAPTER 9A—DEFENSE TAX FOR FIVE YEARS

SEC. 1650. DEFENSE TAX FOR FIVE YEARS.

(a) In lieu of the rates of tax specified in such of the sections of this title as are set forth in the following table, the rates applicable with respect to the period after June 30, 1940, and before July 1, 1945, shall be the rates set forth under the heading "Defense-Tax Rate":

Section	Description of tax	Old rate	Defense-tax rate
3409	Matches	5 cents	5½ cents

* * * * *

Section 314.35 is amended to read as follows:

§ 314.35 Rate of tax. The tax is payable by the importer or producer thereof, or by any producer of gasoline, at the rate of 1 cent a gallon prior to July 1, 1940, and at the rate of 1½ cents a gallon for the period July 1, 1940 to June 30, 1945, inclusive.*†

Section 314.44 is amended to read as follows:

§ 314.44 Rate of tax. The tax is payable by the manufacturer at the rate of 4 cents per gallon prior to July 1, 1940,

and at the rate of 4½ cents per gallon for the period July 1, 1940 to June 30, 1945, inclusive. A manufacturer of non-fluid lubricating oils which are sold by weight may use 8 pounds to the gallon as a basis for computing and reporting the tax upon the sale or use of such oils.*†

Section 314.52 is amended to read as follows:

§ 314.52 Rate of tax. The tax is payable at the rate of 5 cents per thousand prior to July 1, 1940, and at the rate of 5½ cents for the period July 1, 1940 to June 30, 1945, inclusive.*†

(This Treasury Decision is prescribed pursuant to section 3452 of the Internal Revenue Code (53 Stat. 420), as amended by section 209 of the Revenue Act of 1940 (Public No. 656, 76th Cong., 3d Sess.), sections 3409, 3412, 3413 of such Code (53 Stat. 412, 413, 414), as modified by section 210 of such Revenue Act, and section 3450 of such Code (53 Stat. 419).)

[SEAL] **TIMOTHY C. MOONEY,**
*Acting Commissioner of
Internal Revenue.*

Approved, July 19, 1940.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 40-3046; Filed, July 22, 1940;
3:57 p. m.]

TITLE 29—LABOR**CHAPTER V—WAGE AND HOUR DIVISION****PART 536—DEFINING THE TERM "AREA OF PRODUCTION"**

The following amendment to Part 536¹—(Defining the Term "Area of Production" as used in section 7(c) and in section 13(a)(10) of the Fair Labor Standards Act) is hereby issued. This amendment amends § 536.2 by rendering the present § 536.2 inapplicable to perishable or seasonal fresh fruits or vegetables, and adding a special paragraph applicable solely to perishable or seasonal fresh fruits or vegetables. Said amendment shall become effective on October 1, 1940, and shall be in force and effect until repealed by regulations hereafter made and published.

Signed at Washington, D. C. this 23d day of July 1940.

BAIRD SNYDER,
Acting Administrator.

§ 536.2 "Area of production" as used in section 13(a)(10) of the Fair Labor Standards Act. (a) An individual shall be regarded as employed in the "area of production" within the meaning of Sec-

tion 13 (a) (10), in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities (except perishable or seasonal fresh fruits or vegetables) for market, or in making cheese or butter or other dairy products:

(1) if he performs those operations on materials all of which come from farms in the general vicinity of the establishment where he is employed and the number of employees engaged in those operations in that establishment does not exceed seven, or

(2) with respect to dry edible beans, if he is so engaged in an establishment which is a first concentration point for the processing of such beans into standard commercial grades for marketing in their raw or natural state. As used in this subsection (b), "first concentration point" means a place where such beans are first assembled from nearby farms for such processing but shall not include any establishment normally receiving a portion of the beans assembled from other first concentration points, or

(3) with respect to Puerto Rican leaf tobacco, if he is engaged in handling, packing, storing, and drying such tobacco for market in an establishment which is a first concentration point for such tobacco. As used in this subsection (c), "first concentration point" means a place where such tobacco is first assembled from nearby farms for such preparation for market but shall not include any establishment normally receiving a portion of the tobacco assembled from other concentration points, nor any establishment operated by a manufacturer for the preparation of tobacco for his own use in manufacturing, or

(4) if he performs those operations on materials all of which come from farms in the immediate locality of the establishment where he is employed and the establishment is located in the open country or in a rural community. As used in this subsection (d), "immediate locality" shall not include any distance of more than ten miles and "open country" or "rural community" shall not include any city or town of 2,500 or greater population according to the 15th United States Census, 1930.

(b) An individual shall be regarded as employed in the "area of production" within the meaning of Section 13 (a) (10), in handling, packing, storing, drying, preparing in their raw or natural state, or canning of perishable or seasonal fresh fruits or vegetables for market:

(1) if he performs those operations on materials all of which come from farms in the general vicinity of the establishment where he is employed and the number of employees engaged in those operations in that establishment does not exceed ten.

[F.R. Doc. 40-3050; Filed, July 23, 1940; 11:17 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 204—DANGER ZONE REGULATIONS¹

§ 204.85 Waters of Atlantic Ocean (Straits of Fla.): Fort Taylor Military Reservation, Key West, Florida.

THE DANGER ZONE

(a) The firing range of Fort Taylor includes the waters of the Atlantic Ocean (Straits of Fla.) within a sector described as follows: Beginning at the beacon on the end of the Navy Yard mole; thence to Buoy "8" (450 yards west by north of the flagstaff at Old Fort Taylor); thence to Buoy "6" (1,300 yards southwest of Whitehead Point); thence to East Triangle Beacon; thence to N Buoy No. 2 (at the entrance to the main ship channel); thence due south (magnetic) a distance of 15,000 yards (7½ nautical miles); thence northeast (magnetic) a distance of approximately 20,000 yards (10 nautical miles) to a point on a line from Key West Light to Beacon "J" (on Western Sambo), extended, this point being approximately 6,000 yards (3 nautical miles) southeasterly of said Beacon "J"; thence to the said Beacon "J"; thence along the said line to Day Beacon (Red) No. 4 (500 yards south of the Casa Marina Hotel); thence to the foot of Whitehead Street.

THE REGULATIONS

(b) (1) Except as hereinafter qualified, the above-described waters are open throughout the year to the public for fishing and traffic from 12:00 noon, Saturdays, to 7:00 a. m., Mondays, and National (not State) holidays from 6:00 p. m. of the preceding day to 7:00 a. m. on the day following the holiday.

(2) On days when firing is to be carried on, a large red flag will be displayed from the flag pole at Old Fort Taylor not later than 7:00 a. m. of that day and will be removed when firing ceases for the day.

(3) When night firing is scheduled a large white flag will be displayed from the same flag pole at 4:00 p. m. of that day.

(4) Flags displayed from time to time at other locations on the reservation will have no significance in connection with these regulations.

(5) On days and nights when firing is in progress no boat or vessel will enter and remain in the restricted area above-described except under the written authority of the Commanding Officer, Harbor Defenses of Key West.

(6) Any vessel capable of being propelled by mechanical power at a speed greater than five miles per hour may proceed directly through the firing area without restriction, except when notified to the contrary. Such a vessel shall proceed while in the danger area on as

nearly an easterly or westerly course as possible (paying due consideration to safety of navigation), and at the maximum practicable speed.

(7) The presence within the area, or approaching its limits, of a towing vessel flying a large red flag, and towing one or more targets, shall be considered as notification to vessels not to enter the area while the red flag is displayed from the towing vessel, and to vessels within the area to stop or to proceed on an easterly or westerly course away from the towing vessel while the red flag is so displayed.

(8) These regulations shall be enforced by the Commanding Officer, Harbor Defenses of Key West, through such officers, enlisted men and employees as may be properly designated by him for the purpose. (40 Stat. 892; 33 U. S. C. 3) [Regs., July 2, 1940 (E. D. 7195 (Charleston Harbor, S. C.) 5/7)]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-3042; Filed, July 22, 1940; 2:39 p. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

CHAPTER II—PUBLIC WORKS ADMINISTRATION

[Special Order No. PWA-3 (Supp. 4)]

CERTIFICATION OF VOUCHERS

JULY 11, 1940.

Subparagraphs (a), (b), (d) and (j) of Paragraph 2 of Special Order No. PWA-3, dated August 25, 1939,¹ are hereby amended so as to read as follows:

"(a) E. W. Clark, Acting Commissioner of Public Works, J. J. Madigan, Executive Officer, and G. William Comfort, Assistant to Executive Officer, are each authorized to act singly for the Public Works Administration in authorizing the disbursement of funds in accordance with loan and/or grant agreements and in authorizing the Treasurer of the United States to transmit by wire to a designated Federal Reserve Bank or branch funds made available to such Treasurer by check for such purpose. Also to certify all vouchers for payment from the funds appropriated for the administrative expenses of the Public Works Administration, requisitions to make such funds available, requests for transfers to the accounts of disbursing officers, and to examine and approve administratively accounts as required by Sections 12 and 22 of the Act of July 31, 1894 (28 Stat. 209-211) before their transmission to the General Accounting Office for final settlement.

"(b) The said E. W. Clark, the said J. J. Madigan, and the said G. William Comfort, in their respective capacities as aforesaid, are the only officials of the Public Works Administration with au-

¹ § 204.85 is added.

¹ 4 F.R. 3769.

thority to authorize the disbursement of funds in accordance with loan and/or grant agreements and to authorize the Treasurer of the United States to transmit by wire to a designated Federal Reserve Bank or branch funds made available to such Treasurer for such purpose."

"(d) George H. Butler, Director of the Division of Investigations, and in his absence or in his stead, C. Raymond Wire, Assistant Director, is authorized to certify for payment vouchers for travel expenses of the employees of the Division of Investigations and for the miscellaneous expenses of the Division of Investigations."

"(j) J. J. Madigan, Executive Officer, G. William Comfort, Assistant to Executive Officer, and A. R. Baker, Assistant to Executive Officer, are each authorized to sign Procurement Division purchase authorizations issued in connection with the ordering of equipment and supplies for the Public Works Administration."

JOHN M. CARMODY,
Federal Works Administrator.

[F. R. Doc. 40-3045; Filed, July 22, 1940;
3:13 p. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

REGION XII—EXCLUSIVE OF NEW MEXICO

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Farm Security Advisory Committee for the states of Region XII, other than New Mexico, the following county is hereby designated as an additional county in which loans, pursuant to said Title, may be made under the provisions of said Order, for the fiscal year ending June 30, 1941: Colorado-Otero County.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 40-3048; Filed, July 23, 1940;
11:00 a. m.]

Rural Electrification Administration.

[Administrative Order No. 483]

ALLOCATION OF FUNDS FOR LOANS

JULY 13, 1940.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for

loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Kansas 1025B1 Lyon	\$159,000
Maine 1002B1 Penobscot	84,000
North Carolina 1035C1 Davidson	320,000
Washington 1037A1 Lincoln	438,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-3040; Filed, July 22, 1940;
2:02 p. m.]

[Administrative Order No. 484]

ALLOCATION OF FUNDS FOR LOANS

JULY 13, 1940.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
North Carolina 1054R1 Ashe	\$25,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-3041; Filed, July 22, 1940;
2:02 p. m.]

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

[Order No. 39]

EXECUTIVE COMMITTEE MEETING OF THE BOARD OF SUPERVISING INSPECTORS

JULY 22, 1940.

Pursuant to the authority conferred by Section 4405, R. S., I hereby call a meeting of an Executive Committee of the Board of Supervising Inspectors of the Bureau of Marine Inspection and Navigation, consisting of R. S. Field, Director; George Fried, Supervising Inspector of the Second District, New York; and R. E. Coombs, Supervising Inspector of the Fifth District, Pittsburgh, Pennsylvania, to take place in the office of the Director in the Department of Commerce, commencing at 9:00 a. m., July 31, 1940, for the purpose of considering proposed amendments to the General Rules and Regulations, approvals of miscellaneous items of equipment for use on inspected vessels, and for the transaction of such other business as may come before the meeting.

A public hearing will be held coincidental with the meeting of the Executive Committee for the purpose of considering written and oral comments of the marine industry on the proposed amendments.

[SEAL] ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

[F. R. Doc. 40-3039; Filed, July 22, 1940;
12:56 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION IN THE MATTER OF APPLICATION FOR THE EXEMPTION OF THE HANDLING, PACKING, STORING, PREPARING IN THEIR RAW OR NATURAL STATE, FIRST PROCESSING OR CANNING OF PERISHABLE OR SEASONAL FRESH FRUITS OR VEGETABLES FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS INDUSTRIES OF A SEASONAL NATURE

Whereas, on the 14th day of June, 1940, upon applications filed by the Northwest Canners Association, the Agricultural Producers Labor Committee, the Lakeland Highlands Canning Company, the West Virginia Horticultural Society and sundry other parties, a Notice of Hearing was duly issued by Philip B. Fleming, Administrator, Wage and Hour Division, United States Department of Labor, to consider whether the handling, packing, storing, preparing in their raw or natural state or canning of perishable or seasonal fresh fruits or vegetables are industries of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 as amended¹ of the Regulations issued thereunder, and

Whereas, on June 21, 1940, a Revised Notice of Hearing was duly issued² by Philip B. Fleming, Administrator, Wage and Hour Division, United States Department of Labor, which stated that at the aforesaid public hearing to be held on July 1, 1940, Merle D. Vincent, an authorized representative of the Administrator, would take testimony, hear arguments and determine:

Whether the handling, packing, storing, preparing in their raw or natural state, canning or first processing of perishable or seasonal fresh fruits and vegetables are industries of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 as amended of the Regulations issued thereunder, and

Whereas, on June 20, 1940, the said Merle D. Vincent duly filed copies of his Findings and Determination in this matter with the Administrator in Room 5144, United States Department of Labor Building, where copies of said Findings and Determination are available for examination by interested persons and which contain the following determination:

1. Perishable or seasonal fresh fruits and vegetables are typically harvested within a period ranging from a few weeks to three or four months.

FRUIT AND VEGETABLE PACKING HOUSES
2. Perishable or seasonal fresh fruits and vegetables are packed, handled, and

¹ 5 F.R. 2269.

² 5 F.R. 2327.

prepared in their raw or natural state in establishments which receive for packing 50 per cent or more of the total annual volume of fresh fruits and vegetables in a period or periods aggregating not more than 14 workweeks.

3. The packing, handling, and preparing in their raw or natural state of perishable or seasonal fresh fruits and vegetables is a branch of an industry and of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526, as amended, of the Regulations issued thereunder.

FIRST PROCESSING AND CANNING ESTABLISHMENTS

4. Perishable or seasonal fresh fruits and vegetables are subjected to first processing or are canned in establishments which typically operate during an annually recurring season or seasons of six weeks to six months and cease first processing or canning operations during the remainder of the year, except for such work as repair, maintenance, sales, or clerical work, because the fruits and vegetables are no longer available due to climatic or other natural factors.

5. The first processing and canning of perishable or seasonal fresh fruits and vegetables is a branch of an industry and of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526 as amended of the Regulations issued thereunder.

STORAGE WAREHOUSES

6. Storage warehouses which handle perishable or seasonal fresh fruits and vegetables receive for storing 50 percent or more of the annual volume of fresh fruits or vegetables stored in a period or periods aggregating not more than 14 workweeks.

7. The storing of perishable or seasonal fresh fruits and vegetables is a branch of an industry and of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526, as amended, of the Regulations issued thereunder.

Now, therefore, pursuant to the provisions of § 526.7 of the aforesaid Regulations, notice is hereby given that any person aggrieved by the said determination may, within 15 days after the date this notice appears in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative.

Signed at Washington, D. C., this 22d day of July 1940.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 40-3049; Filed, July 23, 1940;
11:17 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4159]

IN THE MATTER OF AMERICAN MEDICINAL PRODUCTS, INC., A CORPORATION; ERNEST G. RURUP, AN INDIVIDUAL TRADING AS SCIENTIFIC LABORATORIES OF AMERICA, AND AS CALIFORNIA SUNSHINE PRODUCTS, INC., AND AS OFFICER OF AMERICAN MEDICINAL PRODUCTS, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of July, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That John P. Bramhall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, July 29, 1940, at ten o'clock in the forenoon of that day (Pacific Standard Time), in Room 229, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3047; Filed, July 23, 1940;
9:20 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-108]

IN THE MATTER OF AMERICAN UTILITIES SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of July, A. D. 1940.

An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on August 6, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW, Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any dec-

laration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobinger or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 1, 1940.

The matter concerned herewith is in regard to an application by American Utilities Service Corporation, a registered holding company, for approval of a proposed sale of all the outstanding securities of Gas Utilities Company, consisting of 2,600 shares of \$10 par value common stock, and of a 6% promissory income note in the principal amount of \$90,000, due November 1, 1964, for \$75,000 to James V. Reynolds of St. Louis, Missouri. Under the terms of the proposed sale, James V. Reynolds is to pay \$27,000 in cash at the time of closing such sale, plus 6% interest on such amount from May 1, 1940 to the date of closing the sale. The balance of the purchase price is to be represented by 6% promissory notes of the proposed purchaser to be secured by the aforementioned securities of Gas Utilities Company. Such notes are to be dated May 1, 1940 and to mature as follows:

\$3,000 on November 1, 1940; \$15,000 on each May 1, 1941, May 1, 1942 and May 1, 1943.

It is stated that Gas Utilities Company, an Illinois corporation, is engaged in the distribution of gas in the City of Robinson, Crawford County, Illinois. Applicant further states that the reason for the proposed sale is to further the carrying out of its tentative plan of integration under Section 11 of said Act.

It is further stated that the average annual gross revenues of Gas Utilities Company for the five years ended December 31, 1939 amounted to \$40,154, and that during the same five year period its average annual net earnings, before deducting provisions for retirements, amounted to \$6,074; also, that the net income (after deducting provision for depreciation but before interest charges) of Gas Utilities Company for the year ended April 30, 1940 amounted to \$9,908.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Recording Secretary.

[F. R. Doc. 40-3051; Filed, July 23, 1940;
11:22 a. m.]